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SENATE MEMORIAL 23

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Linda M. Lopez

A MEMORIAL

REQUESTING THE GOVERNOR TO ALLOW THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE THE SENATE WITH BACKGROUND CHECK INFORMATION ON APPOINTEES SELECTED FOR SERVICE IN A REGULATORY OR POLICYMAKING CAPACITY.

WHEREAS, the senate is the legislative body charged with exercising advice and consent responsibilities over executive branch appointments; and

WHEREAS, the senate, through Senate Rule 9-2 (g), has created a committee designated as the senate rules committee; and

WHEREAS, the senate rules committee is charged with conducting hearings and taking testimony on the confirmation or rejection of executive branch appointments, with the recommendations of the committee submitted to the senate; and

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1 WHEREAS, the senate rules committee has those powers
2 necessary to make a proper recommendation on matters referred
3 to it and has the authority to call upon all state officers,
4 heads of agencies, employees of agencies and political
5 subdivisions to furnish the committee information, records and
6 documents necessary or proper to accomplish the purposes for
7 which the committee was created; and

8 WHEREAS, executive branch appointees serving in a
9 regulatory or policymaking capacity wield substantial
10 authority; and

11 WHEREAS, certain executive branch appointees serve on
12 constitutionally created bodies that have absolute management
13 and control over their institutions; and

14 WHEREAS, the senate rules committee has provided, through
15 committee resolution, for the creation and development of
16 processes and procedures to assist the committee in fulfilling
17 the responsibilities conferred upon the committee by the
18 senate; and

19 WHEREAS, as a part of the processes and procedures, the
20 senate rules committee has employed a questionnaire eliciting
21 information related to an appointee's suitability for an
22 appointment; and

23 WHEREAS, the senate rules committee established a process
24 that provided for the department of public safety to verify the
25 information provided on the questionnaire and to provide any

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1 other information deemed pertinent in fulfilling the
2 responsibilities of the committee; and

3 WHEREAS, the procedure worked as designed, with
4 approximately fifteen appointees receiving background checks by
5 the department of public safety; and

6 WHEREAS, after commencing the background check process,
7 the department of public safety was inexplicably ordered by
8 Governor Bill Richardson to no longer assist the senate in this
9 endeavor;

10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
11 OF NEW MEXICO that the governor be requested to rescind the
12 governor's order to the department of public safety and to
13 allow the department to provide the senate with background
14 check information on appointees selected for service in a
15 regulatory or policymaking capacity; and

16 BE IT FURTHER RESOLVED that a copy of this memorial be
17 transmitted to the governor.